



Debevoise & Plimpton LLP  
66 Hudson Boulevard  
New York, NY 10001  
+1 212 909 6000

**MEMO ENDORSED**

July 26, 2023

BY ECF AND ELECTRONIC MAIL

The Honorable Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 618  
New York, New York 10007

***Walmart Inc., et al. v. Capital One, N.A., 23-cv-02942 (KPF)***

Dear Judge Failla:

We represent Defendant Capital One, National Association (“Capital One”) in the above-captioned matter. Pursuant to Your Honor’s Individual Rule 9(B)(i), Capital One respectfully submits this letter regarding the sealed treatment of Capital One’s Memorandum of Law in Opposition to Plaintiffs’ Motion for Summary Judgment, Response to Plaintiffs’ Rule 56.1 Statement of Material Facts, and Declaration of Mark P. Goodman, which are being filed under seal and on the public docket in redacted form today.

The contract at issue contains a confidentiality provision that prohibits the parties from disclosing the terms of the contract, which are discussed in the Memorandum of Law in Opposition to Plaintiffs’ Motion for Summary Judgment, Response to Plaintiffs’ Rule 56.1 Statement of Material Facts, and Declaration of Mark P. Goodman. Capital One therefore respectfully requests the Court’s permission to redact portions of the above-referenced documents, and to file the unredacted documents under seal.

Respectfully submitted,

/s/ Mark P. Goodman

Mark P. Goodman

The Court is in receipt of Defendant's above request to file certain documents filed in support of its summary judgment motion under seal, as well as a similar request from Plaintiffs. (See Dkt. #105). Both applications are GRANTED.

The Clerk of Court is directed to maintain docket entries 108, 109, 112, 114, and 116 under seal, viewable only to the parties and the Court. The Clerk of Court is further directed to terminate the motions at docket entries 105 and 110.

Dated: July 27, 2023  
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE